

wherein the controller does not allow changing the image which is displayed on the image display device in response to the signal which is output from the detector when the operational member is operated.

26. (New) The image observation apparatus as claimed in claim 25, further comprising an image forming device which forms the image which is displayed on the image display device,

wherein the controller controls the image which is displayed on the image display device by operating image data which are output from the image forming device.--

#### REMARKS

Favorable reconsideration of this application is respectfully requested in light of the following remarks.

The undersigned and Applicants' representative, Mr. Ishimaru, would like to thank Examiner's Chow and Awad for the courtesies extended during the personal interview of February 22, 2001.

Claims 1-26 are currently pending. The allowance of claims 5-20 is acknowledged with appreciation. Claims 5 and 12 have been amended. New claims 21-26 have been added herein. A marked-up copy showing the changes to claims 5 and 12 appears as Appendix A.

Independent claim 5 has been amended to correct a typographical error and to remedy minor informalities. Independent claim 12 has been amended to remedy a minor informality. The amendments to claims 5 and 12 are not intended to affect the scope of these claims. Moreover, Applicants submit that the amendments to claims 5 and 12 are not related to patentability, the claims having been already allowed.

Claim 1 was rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over the Tabata patent (U.S. patent No. 5,579,026) in view of the Tosaki patent (U.S. Patent No. 5,844,530). Claims 2-4 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over the Tabata patent and the Tosaki patent, and further in view of Japanese Patent Publication No. 03056923A.

Claim 1 recites an image observation apparatus comprising, *inter alia*, a main body which has an image display device. It is noted that the Tosaki patent is relied upon for teaching a pause switch on a central pad "to temporarily stop the game." (Emphasis added) (Col. 16, lines 30-32). In the context of this patent, it is clear that the game stops, but this does not mean the image would stop moving under the control of the head position detecting mechanism. In column 16, it is disclosed that the images are already stopped by movement of the visor, prior to the game pause switch being pressed. Clearly the game pause switch does not cause the controller to prevent "allowing changing the image which is displayed" as recited in claim 1. Since the image was already turned off, this recitation cannot be met. Also, even if the game pause switch was disclosed to pause the game when images were being displayed (which is not disclosed in the Tosaki patent), it would only

make sense that the images would be still changeable under the control of the head orientation sensors, and only the game would be paused. Otherwise, the superimposed image, if frozen, would be very disorienting to the user. For instance, the "displayed" fighter plane control panel of Fig. 29 would travel with the head movement. This would cause a sensation of the cockpit "spinning" as the user turned his or her head! Hence, "game pause" means just that; the game is paused, but not the normal changing orientation of the displayed image.

Claims 2-4 depend from claim 1. Applicants respectfully submit that these claims are, therefore, allowable at least by virtue of dependency. Moreover, Applicants respectfully point out that Japanese Patent Publication No. 03056923A does not make up for the above-noted deficiencies of the Tabata patent and Tosaki patent. Allowance of claims 2-4 is respectfully requested.

The recitations of claim 1 have also been presented as claim 23, which further recites that the main body is configured to be held in a user's hands when the user observes an image being displayed on the image display device.

In contrast to the subject matter recited in claim 23, the Tabata patent and Tosaki patent disclose subject matter pertaining to head mounted displays (HMDs). Applicants respectfully submit that the combination of these references neither discloses nor suggests a main body which has an image display device, the main body being configured to be held in a user's hands when the user observes an image being displayed on the image display device as recited in claim 23. Rather, these references disclose a main body with an image

display device wherein the "main body" is worn on a user's head. Accordingly, for at least this reason, Applicants respectfully request withdrawal of the rejection and allowance of claim 1. Further, it would not occur to one of ordinary skill in the art to provide the "operational member" of claim 1 on a head mounted device since its operation of such an operational member would be awkward at best and unnecessary.

New claims 21 and 22 have been added to round out the scope of protection being sought. Claims 21 and 22 depend from claims 1 and 5, respectively. Applicants respectfully submit that these claims are allowable at least by virtue of dependency upon allowed claims 5 and 12 as well as for the above-noted reason. Allowance of claims 21 and 22 is respectfully requested.

With respect to new claims 25 and 26, Applicants note that the present invention includes an operation member on the main body which prevents the circuitry which controls the image display from changing the displayed image. This means that the image is not merely "paused" on the display, but that the circuitry (e.g., camera and gimbal) is prevented from changing the image. This not only reduces wear on the image display circuitry, but prevents image degradation, as explained during the interview.

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are respectfully solicited. Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this

application, the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

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APPENDIX A - Marked-up Changes to Claims 5 and 12

5. (Three Times Amended) An image observation apparatus comprising:  
a main body [wich] which has an image display device;  
a first detector which is provided in the main body and which detects that a user observes an image being displayed on the image display device;  
a second detector which detects a posture of the main body; and  
a controller which controls the image being displayed on the image display device in response to a signal which is output from the second [detector;] detector,  
wherein the controller does not allow changing the image being displayed on the image display device in response to the signal which is output from the second detector when the first detector detects that the user does not observe the image being displayed on the image display device.

12. (Twice Amended) An image observation apparatus comprising:  
a main body which has an image display device;  
a controller for controlling the image observation apparatus; and  
a first detector for detecting whether a user stops observing an image which is displayed on the image display device or not,  
wherein the controller sets at least one setting condition of the image observation apparatus to a predetermined condition such that the image which is displayed on the image

display device is not allowed to change when the first detector detects that the user stops observing the image.